

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

11-CR-6087L

v.

JERROD MITCHELL,

Defendant.

After a hearing, United States Magistrate Judge Jonathan W. Feldman issued an order of detention on the grounds that there was a serious risk that defendant would flee and not appear for court proceedings. Magistrate Judge Feldman entered his findings of facts on the record and entered a written order (Dkt. #6) filed May 18, 2011.


Defendant has appealed that order to this Court and this Court must, therefore, conduct a *de novo* review.

The Government moves for detention both on the grounds of risk of flight and danger to the community. Defendant has been indicted and charged with a drug offense for which he could receive ten years or more imprisonment. In fact, the crime charged subjects him to a mandatory minimum ten years and a maximum of life imprisonment. Because of that charge, there is a rebuttable presumption that no condition or combination of conditions would reasonably assure the appearance of the defendant.

As I advised the defendant in open court, I believe that he has failed to rebut the statutory presumption. I find that there is a serious risk of flight, and I do not believe that any condition or combination of conditions would reasonably assure the presence of the defendant. The factual

findings and conclusions to support this detention order were set forth by me in open court on June 6, 2011, and I incorporate them by reference here. I base this ruling on risk of flight and not danger to the community. I direct the United States Marshal to hold the defendant and afford him the protections provided in 18 U.S.C. § 3142(i).

IT IS SO ORDERED.


A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line. Below the line, the name "DAVID G. LARIMER" is printed in a sans-serif font, followed by the title "United States District Judge" on the next line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 7, 2011.